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**Lead Counsel for Plaintiff and the Class**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ADRIAN MONGELI, Individually, And )  
On Behalf Of All Others Similarly Situated, )

Plaintiff, )

vs. )

TERAYON COMMUNICATIONS )  
SYSTEMS, INC., ZAKI RAKIB, JERRY )  
D. CHASE, MARK A. RICHMAN, )  
EDWARD LOPEZ, RAY FRITZ, CAROL )  
LUSTENADER, MATTHEW MILLER, )  
SHLOMO RAKIB, DOUG SABELLA, )  
CHRISTOPHER SCHAEPE, MARK )  
SLAVEN, LEWIS SOLOMON, HOWARD )  
W. SPEAKS, ARTHUR T. TAYLOR, )  
DAVID WOODROW, and ERNST & )  
YOUNG, LLP )

Defendants. )

**CASE NO.: 3-06-CV-03936 MJJ**

**CLASS ACTION**

**STIPULATION AND ~~[PROPOSED]~~  
ORDER SELECTING ADR PROCESS**

**CASE MANAGEMENT CONFERENCE:**

**DATE:** August 28, 2007  
**TIME:** 2:00 P.M.  
**CTRM:** 11, 19<sup>th</sup> Floor, San Francisco

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

1. WHEREAS, parties believe that selection of an ADR process is premature until the resolution of Defendants' Motions to Dismiss;

2. WHEREAS, if the Court denies Defendants' Motions to Dismiss in whole or in part, parties will, within fourteen (14) days, meet and confer and submit a Stipulation and [Proposed] Order selecting an appropriate ADR process.

IT IS SO STIPULATED:

Dated: August 7, 2007

Michael D. Braun  
BRAUN LAW GROUP, P.C.

By: /S/  
Michael D. Braun  
12400 Wilshire Blvd., Suite 920  
Los Angeles, CA 90025

**Liaison Counsel for Plaintiff and the Class**

Dated: August 7, 2007

Patrick E. Gibbs  
Jennie Foote Feldman  
LATHAM & WATKINS LLP

By: /S/  
Jennie Foote Feldman  
140 Scott Drive  
Menlo Park, CA 94025

**Counsel for Defendant Terayon Communications Systems, Inc. and Individual Defendants**

Dated: August 7, 2007

Sheila A. Jambekar  
MORGAN, LEWIS & BOCKIUS LLP

By: /S/  
One Market  
Spear Street Tower  
San Francisco, CA 94105

**Counsel for Defendant Ernst & Young LLP**

**[PROPOSED] ORDER**

IT IS SO ORDERED:

DATED: 8/13, 2007

  
HON. MARTIN J. JENKINS  
U. S. DISTRICT COURT JUDGE

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 )ss.:  
 COUNTY OF LOS ANGELES )

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los Angeles, CA 90025.

On August 7, 2007, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

**STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Lionel Z. Glancy, Esq.	<a href="mailto:info@glancylaw.com">info@glancylaw.com</a>
Michael M. Goldberg, Esq.	<a href="mailto:info@glancylaw.com">info@glancylaw.com</a>
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 Terayon Communications Systems, Inc.  
 and Individual Defendants**

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**Counsel for Defendant Ernst & Young LLP**

On August 7, 2007, I served the document(s) described as:

**STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

1 Lewis Kahn, Esq.  
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2 650 Poydras Street, Suite 2150  
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8 **Lead Counsel for Plaintiff**  
Adrian G. Mongeli and the Class

9 Bruce M. Cormier, Esq.  
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12 Tel: (202) 327-7603  
13 Fax: (202) 327-7601

14 **Counsel for Defendant**  
Ernst & Young LLP

15 I served the above document(s) as follows:

16 BY MAIL. I am familiar with the firm's practice of collection and processing  
correspondence for mailing. Under that practice it would be deposited with U.S. postal service on  
17 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course  
of business. I am aware that on motion of the party served, service is presumed invalid if postal  
18 cancellation date or postage meter date is more than one day after date of deposit for mailing in an  
affidavit.

19 I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-  
20 listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the  
following electronic mail address provided by the Securities Class Action Clearinghouse:

21 **scac@law.stanford.edu**

22 I am employed in the office of a member of the bar of this Court at whose direction the  
23 service was made.

24 I declare under penalty of perjury under the laws of the United States that the above is true  
and correct.

25 Executed on August 7, 2007, at Los Angeles, California 90025.

26  
27 /S/ LEITZA MOLINAR  
28 Leitza Molinar